

WHO'S TO HEAR LORIMER CASE?

SENATE FOR AN INQUIRY: DIVIDED AS TO INQUISTORS.

Can't Agree Whether It Shall Be Conducted by a Special Committee or the Committee on Privileges and Elections—Resolutions Before the Senate.

WASHINGTON, May 22.—That the Senate will vote with practical unanimity for a reopening of the Lorimer case was made clear to-day, but there is division among Democrats as well as Republicans as to whether the investigation shall be entrusted to the Privileges and Elections Committee or to a special committee as provided for in the La Follette resolution.

The case was again brought to life in the Senate to-day when Senator La Follette presented his views as to why there should be a reopening of the case and an investigation by an independent committee. The Senator did not conclude, but announced his purpose to continue his remarks to-morrow.

Before Senator La Follette had appeared on the floor of the Senate Senator Dillingham, chairman of the Committee on Privileges and Elections, offered a resolution in behalf of his committee, urging another inquiry into the Lorimer case. The resolution provided for the conduct of the investigation by the Privileges and Elections Committee. This move was regarded as an effort to forestall Senator La Follette, who has pressed his resolution for a new inquiry into the Lorimer case by a special committee whose members had nothing to do with the previous inquiry which resulted in clearing Lorimer.

The general impression is that the Dillingham resolution will be supported generally by the regular Republicans and old line Democrats and that the progressive Democrats and Republicans will line up solidly for the La Follette resolution for an investigation by an independent committee. An effort was made to get all the Democrats to support the Dillingham resolution, but it failed and has been abandoned. Senators Martine of New Jersey and Reed of Missouri, along with other new Democratic members, served notice on Minority Leader Martin and members of the Democratic steering committee that they would never vote to put the investigation of the Lorimer case again in the hands of the Committee on Privileges and Elections. That committee as reorganized contains seven members of the committee of the last session who reported in favor of clearing Lorimer. These Senators are Dillingham, Gamble, Heyburn, Bailey, Paynter, Johnston and Fletcher. Senators Bradley and Oliver, who voted in the Senate to uphold Lorimer's title to his seat, have been added to the new committee, so that the present committee has nine members who were recorded in favor of Lorimer in the last session, as compared with six who either voted against him or are new members of the Senate.

Senator Dillingham asked that his resolution referring the case to the Privileges and Elections Committee lie on the table but later he gave notice that he would offer it as a substitute to the La Follette resolution of investigation. In this way the issue over the manner of the investigation of the Lorimer case will be squarely met. Senator La Follette made plain to-day that he will oppose reference of the resolution of investigation to the Committee on Privileges and Elections.

The resolution of investigation offered by Senator Dillingham recites the resolution adopted by the Illinois State Senate demanding a new investigation of the case and then directs that the charges of bribery and corruption in the election of Senator Lorimer be investigated from every standpoint. The usual provisions for examination of witnesses and giving authority for the committee to sit during the recess of Congress are included in the resolution. It is admitted that if the investigation is placed in the hands of the Committee on Privileges and Elections a sub-committee of five or possibly more will be authorized to take the testimony in the case. There is a feeling among a number of Senators that only new members should be placed on this sub-committee, with the possible exception of the chairman.

In his speech in the Senate to-day demanding the reopening of the Lorimer case Senator La Follette addressed himself particularly to the new members. He received very close attention. The Wisconsin Senator irritated some of the older members by introducing Chauteau methods in the discussion of the case. The thing that seemed to annoy them was the reading of the names of Senators who at the last session of the Senate voted on the resolution to declare vacant the seat of the junior Senator from Illinois.

After he had reviewed the testimony Senator La Follette said he wished again to make a part of the record the names of the Senators who had voted to declare the Illinois Senator. With dramatic emphasis Mr. La Follette went over the roll of the Senate, first calling the names of those Senators who voted with Senator Lorimer and then those voting against him. This was something new in a Senate debate and some of the older members looked shocked.

Senator La Follette severely censured Senator Lorimer for remaining mute in the Senate for weeks while the public prints throughout the United States were heralding the charges based on the confessions of members of the Legislature that his election resulted from bribery and corruption. Denouncing Senatorial courtesy and legislation by the logging system, Senator La Follette said:

"We have a system built up here that has taken away and alienated men sent by the people to represent them. We see in this chamber the system of courtesy and consideration for members that has tended to undermine a true republican form of government."

"I fail to see how any man," continued the Wisconsin Senator, "could have rested under the publications that men who voted for him received bribe money. So tense did the situation become that there were mutterings in the cloak rooms, and finally the Senator was told that he would have to speak or he would have to speak in his defense."

Senator La Follette threw out the suggestion that Senator Cullen finally compelled his colleague to speak. Warning his hand at the Republican side of the chamber from his position on the Democratic side the Wisconsin Senator handed out this shot just before he concluded:

"You may scoff, you may leer and you may smile, but you don't do that as much as you did five years ago when I first came here."

Which is literally true. The Wisconsin Senator to-day commanded a large audience on both the Republican and Democratic sides.

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SENATORS BY DIRECT VOTE.

Minority of Senate Judiciary Committee for National Control of Election.

WASHINGTON, May 22.—Senators Clark, Nelson, Dillingham, Sutherland, Brandegee and Root, members of the Senate Judiciary Committee, in a minority report dissent from that part of the resolution proposing an amendment to the Constitution providing for election of Senators by direct vote of the people which takes from Congress the power to regulate the elections. They quote the resolution now before the Senate and say:

This contains two separate and distinct amendments to the Constitution. The first is an amendment to section 3 of Article I so as to provide for the direct election of Senators by the people. The second is an amendment of section 4 of Article I, so as to destroy the power which the national government now has to regulate and direct the manner and manner of electing members of its own Senate.

The fourth section of the first article now reads as follows:

"The times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof, but the Congress may at any time by law make or alter such regulations except as to the places of choosing Senators."

Under this provision it is clearly contemplated that the authority to prescribe the times, places and manner of holding elections for Representatives and Senators should primarily vest in the State Legislatures, but that the ultimate power to make or alter such regulations should forever remain in the hands of the Federal Government. It is manifest that the framers of the Constitution intended that this supervisory power on the part of Congress should exist independently of the way in which the members of Congress should be elected. Representatives under the Constitution are now elected by the people. Senators are elected by the various Legislatures, but in both instances the authority of Congress to regulate the election is preserved.

The resolution as now before the Senate in section 4 which will be important in determining the construction of the instrument and the nature of the powers to be exercised by the State Legislatures. The present provision is a command to the State Legislatures to prescribe the times, places and manner of holding elections, subject to the ultimate authority of Congress, in performing that function the State Legislatures are discharging a duty under the Constitution of the United States, acting by the word "as" before the word "prescribed" and makes the provision read:

"The times, places and manner of holding elections for Senators shall be as prescribed in each State by the Legislature thereof." The command to the State Legislatures is thus taken out of the Constitution, and the Legislatures in making such regulations as they see fit to make will be performing no duty imposed upon them by the Constitution of the United States, but exercising authority to which the Government of the United States will be subjected.

As to these proposed changes in section 4 of Article I we consider. That they are unnecessary to accomplish the purpose of securing the direct election of Senators by the people. They do not aid or contribute to the direct election of Senators in any manner or degree. There is no reason why the ultimate authority of the national Government over the times and manner of electing Senators by direct vote should not continue to be exercised just as it always has been exercised over the direct election of Representatives by popular vote. The exercise of that national power over the popular election of Representatives meets with no objection, and the proposed amendment is to continue the proposed change from legislative election of Senators to popular election of Senators furnishes no reason whatever for destroying the ultimate power of control over the election of Senators which the national Congress now has under the Constitution.

The minority propose to amend the resolution by striking out the proposed change of the fourth section and leaving it as it now stands.

Senators Dillingham, Brandegee and Root, however, think that the change to direct vote would be injurious rather than beneficial and that the abuses which have led to the present situation could be obviated by a simple act of legislation without any amendment to the Constitution. A bill for that purpose, they say, is now pending in the Senate.

ANDREW CARNEGIE EXCUSED.

Will Not Be Required at Present to Tell What He Knows About Steel.

WASHINGTON, May 22.—Andrew Carnegie will not be required at this time to appear before the House committee that is about to make an inquiry into the affairs of the United States Steel Corporation. It became known that Representative Stanley of Kentucky, chairman of the committee, has excused Mr. Carnegie for the present. Mr. Carnegie was asked last week to come to Washington and tell the committee what he knows about the organization of the Steel Corporation. He promised he would be here on time. Mr. Carnegie, however, got in touch with Chairman Stanley to-day, saying that he had made arrangements to sail for Europe on Wednesday and asking to be excused for the present. Mr. Carnegie will go before the committee early in the fall.

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ARBITRATION WITH GERMANY

THIS GOVERNMENT WILLING TO NEGOTIATE A TREATY.

It Has So Informed the German Government, but There Have Been No Diplomatic Interchanges on the Subject—Attitude of Germany Is Not Known.

WASHINGTON, May 22.—The German Government has been informally advised by Secretary of State Knox that the United States is willing to negotiate with Germany a general arbitration treaty submitting all future disputes to arbitration which will be similar to the conventions now being arranged between France, Great Britain and the United States. There have, however, been no diplomatic interchanges on the subject.

Several days ago a draft of a proposed convention of this character was submitted to the British and French Ambassadors here, but the proposed draft was not transmitted to Germany. Secretary Knox takes the position that while he is willing to negotiate such a treaty with Germany he cannot properly make any definite proposals until the German Government has indicated its willingness to take up the subject. But Mr. Knox did go so far as to suggest informally to the German Government that he would be glad to discuss the question if the officials of the German Government are willing to do so. Thus far, however, no reply as to the attitude of the German Government has been received.

There has been a change in the programme of the Administration in negotiating these arbitration treaties. At first Secretary Knox planned to arrange a general arbitration convention between the United States and Great Britain which would make the basis when ratified by the Senate for other conventions of this character with different foreign countries. When this plan was announced there was considerable discussion in American and foreign newspapers as to whether a treaty with Great Britain and the United States and Great Britain would not practically amount to an Anglo-American alliance.

To demonstrate to the world that the proposed arrangement would not constitute an alliance Secretary Knox abandoned his original plan and decided to negotiate a similar plan a treaty with France and a treaty with Great Britain. He has probably spoken also to all the diplomatic representatives here of the governments with which the United States has arbitration treaties to indicate his willingness to negotiate general arbitration treaties in their stead. Up to this time no formal negotiations have been begun except with Great Britain and France.

There is no existing arbitration treaty between the United States and Germany. This is due to the fact that the German Government and the United States were unable to agree upon the question of ratification. In Germany the ratification of a treaty is executed by the Government. In the United States, however, a convention must be submitted to the Senate for approval before it is binding on the country. The German Government took the view that such a convention would be absolutely binding on the German Government from the time of its ratification, but the United States would not be obligated to arbitrate questions of dispute until the Senate had passed upon them in each case.

When Elihu Root was Secretary of State in the latter part of the Roosevelt Administration he carried on negotiations with the German Government for the purpose of completing an arbitration treaty, but no agreement was reached. Shortly after Mr. Knox became the head of the State Department the German Government submitted a counter proposal, suggesting that the proposed arbitration treaty be submitted to the Bundesrat for ratification. This method would have been similar, if agreed upon, to the system of ratification prevailing in this country. No reply, it was said at the State Department to-day, has ever been made to the last German proposal and there has been no recent discussion of the subject.

It is not known here what attitude the German Government will take toward a general arbitration treaty of the character proposed for Great Britain and France. The same obstacles which were insurmountable several years ago presumably still offer a stumbling block.

PHILIPPINE INDEPENDENCE.

Two Resolutions Providing for the Neutralization of the Islands.

WASHINGTON, May 22.—The independence of the Philippines is contemplated in two resolutions introduced to-day, one of them by Representative McCall of Massachusetts, a Republican, and the other by Representative Martin of Colorado, a Democrat. The Martin resolution requests the President to take measures for delivering the control and possession of the Philippine Islands to the authorities representing the people thereof and to protect their Government by a general treaty of neutrality.

The McCall resolution is similar to one presented by Representative Peter of Massachusetts, a Democrat. It sets forth that the Filipino "right of self-determination" is a right which ought to be free and independent. In this measure the President is asked to effect the neutralization of the Philippines by international agreement.

HOUSE DEBATES STATEHOOD.

It Will Vote on the Measure To-day Before Adjournment.

WASHINGTON, May 22.—In an atmosphere that fairly sizzled the House to-day debated the Statehood resolution. Theoretically the House had the measure under consideration, but as a matter of fact a dozen patriots talked practically to empty benches. The session began at 10 o'clock. At that hour there were not over a dozen members in their seats. As the afternoon advanced members hastened to the cool retreat afforded by the House office building and the orators, with a few friends around them, talked in a perfect freedom. The House will vote on the Statehood resolution to-morrow before adjournment.

GEN. LLOYD'S FUNERAL.

Services to Be Held in Troy on Wednesday Talk as to His Successor.

ALBANY, May 22.—Brig. Gen. James H. Lloyd, who died on Sunday, will have a military funeral due his high rank in Troy on Wednesday.

There is considerable speculation as to the succession of Gen. Lloyd as commander of the Third Brigade, National Guard. The military law limits the choice to a field officer of the brigade and provides that a brigade commander may either be appointed by the Governor or elected by the officers of the regiment composed in the brigade. It is likely that the selection of a Brigadier-General will result in the elevation of one of the present Colonels of the regiments comprising the brigade. The First, Second or Tenth. If the matter goes to an election it is believed that the choice will fall upon Col. James W. Lester of the Second Regiment, who is the senior Colonel of the brigade. Col. Lester is a resident of Saratoga Springs.

Besides Col. Lester the other regimental commanders in the brigade are Col. Hitchcock of Rensselaer, commanding the First Regiment, and Col. Klein of Fishkill, commanding the Tenth, the latter being the junior Colonel of the brigade.

Very Oldest Scotch Whisky  
**WILLIAM J. KEMP**  
KEMP'S SCOTCH WHISKY  
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NEW HEAD OF STATE PRISONS.

Gov. Dix Nominates Col. Joseph F. Scott to Succeed C. V. Collins of Troy.

ALBANY, May 22.—Gov. Dix sent to the Senate to-night the nomination of Joseph F. Scott to be Superintendent of State Prisons to fill the vacancy caused by the resignation of C. V. Collins of Troy. The nomination was referred to the Senate Finance Committee, which met to-night and decided to report the nomination favorably to the Senate to-morrow, when he will be confirmed, so that Mr. Scott can take hold of the prison department at once. Mr. Collins's unexpired term as Superintendent of Prisons ends in March, 1913. The salary of the office is \$5,000. Col. Scott is now superintendent of the State Reformatories at Elmira and Nanuet and receives a salary of \$9,000. He accepts this position of larger honor and lesser salary only because he has been chosen to give the State the benefit of his independent judgment free from the dictation or control of any individual, and we feel it is now time to give the people the laws the Democracy pledged itself to, including direct primaries, new election laws, the income tax amendment and to furthering direct nominations of United States Senators.

Referred. That the committee adjourn and meet at the call of the chair in Albany to present the apparent need for action to the Governor and the Democratic members of the Legislature.

Mr. Osborne sails for Europe this morning, and in his absence the committee will be brought together by the vice-chairman, Mayor Sagoy.

Mr. Osborne was asked last evening whether this meant that the league was going into a campaign against Tammany. "If the local organization here wants to enter into a fight with Tammany," said he, "that's their affair."

"But don't you consider Mr. Murphy a State leader?"

"In so far as his influence is Statewide we are opposed to him; yes."

"Then you are against Mr. Murphy in the State?"

"From various things which I have said from time to time it might be fair to assume that such was the case," was the reply.

SUMMER HOMES FOR TAFT.

Three More Places Ask the Privilege and Honor of Entertaining Him.

WASHINGTON, May 22.—Three places beside Wayzata on Lake Minnetonka in Minnesota have asked the privilege and honor of making themselves the summer headquarters of the President of the United States. A delegation from Michigan called at the White House to-day to picture to Mr. Taft the beauties of Mackinac Island. Representative Austin of Tennessee spoke a kind word for Bald Knob, a lofty elevation in the Smoky Mountains of his State. A man on one of the Thousand Islands in the St. Lawrence has offered the President a site for a summer home on his particular island.

Mr. Taft will construct a building thereon. Other resorts will enter the list. All of this information about the attractiveness of summer resorts is coming to the President at a time when Washington happens to have the hottest spell that has ever visited the city at this season of the year. The President yearns for the coolness of Beverly and at Beverly he plans to spend the summer unless Congress sees fit to sit here until the autumn leaves begin to fall.

Just the same the President seems interested in the invitation for him either to visit or to locate his summer headquarters at some other place than Beverly. The Michigan delegation which spoke to-day in behalf of Mackinac Island left the White House very much encouraged. The President's eyes glinted as he listened to the rhapsodies of the Michigan men. They pointed out that he would have a golf course right on "his island" if he favored them. The chances are that the President will visit Mackinac Island this summer for a brief stay.

Representative Austin waxed enthusiastic over Bald Knob. It is so high that fresh breezes blow there at all hours of the day and night. The people of Bald Knob also have a golf course and will turn over to the President's use. The President thought Mr. Austin for the good intentions of his constituents.

Mr. Taft wrote a letter acknowledging the offer of the man on the Thousand Islands.

SENATE PREROGATIVE UPHOLD.

Nominee for Marshal of Oregon Rejected Because Bourne Was Not Consulted.

WASHINGTON, May 22.—The Senate to-day in executive session rejected the nomination of Elmer Caldwell to be Marshal of the District of Oregon. The nomination was before the Senate at the regular session of Congress last winter but no action was taken. This morning the Judiciary Committee met and voted to report the nomination unfavorably. Later when the matter came up in the executive session it was formally rejected.

The defeat of the confirmation of Caldwell is a victory for the ancient Senate prerogative of recommending appointments for district offices of the class of marshal. Senator Bourne opposed Caldwell because he asserted that the President had named the marshal in Mr. Bourne's State without consulting him. Republican Senator. Senator Bourne made no secret of the cause of his opposition. He said plainly that he was opposed because the President had named him without consulting him. He appealed to Senators to stand by him in reasserting the Senatorial prerogative and finally prevailed. The Gray has attracted much attention in two Congresses.

Capt. Bertholf to Be Commandant of Revenue Cutter Service.

WASHINGTON, May 22.—The President has appointed Capt. Ellsworth P. Bertholf as Captain Commandant of the revenue cutter service, to succeed Capt. Worth C. Ross, who resigned about a month ago because of ill health. As Capt. Bertholf has been in the service since 1885. He received a gold medal by act of Congress in 1892 for heroic conduct in connection with the rescue of the whaling fleet in the District of Oregon. He served with an overland expedition sent to rescue the lost whalers.

DEMOCRATIC LEAGUE RISES UP

HINTS THAT MURPHY IS ANNULLING ROCHESTER PLEDGES.

T. M. Osborne is Off to Europe, but the Rest of the Executive Committee Will Go to Albany and Tell Gov. Dix and the Legislature What Should Be Done.

The executive committee of the State Democratic League had a meeting late yesterday afternoon at the Hotel Belmont for the purpose of prodding the Legislature into what Chairman T. M. Osborne considers a redemption of party pledges. The committee adjourned to come together later in Albany, where it is going to tell the Governor and the legislators what it thinks of the situation.

It was decided to hold a Democratic League conference in New York early in September. This foreboding is to be similar to the one held in Saratoga in 1909 and in Rochester last fall. The idea is to consider the management of future Democratic campaigns in this State.

Mr. Osborne, who recently resigned as Forest, Fish and Game Commissioner, presided yesterday. The other members present were Mayor John K. Sagoy of Poughkeepsie, Edward M. Shepard, Robert G. Monroe, Montgomery Hare, S. Stanwood Menken, Francis A. Willard, Charles F. Rattigan and Congressman Charles B. Smith.

The "Democratic League," read the resolution, "urges upon the Legislature the serious importance of prompt and unqualified performance of party promises contained in the Rochester platform. The Legislature's failure to do so has been chosen to give the State the benefit of their independent judgment free from the dictation or control of any individual, and we feel it is now time to give the people the laws the Democracy pledged itself to, including direct primaries, new election laws, the income tax amendment and to furthering direct nominations of United States Senators."

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CENTRAL HUDSON AGROUND.

Ran on the Flats Near West Point Sunday Night in a Fog.

NEWBURGH, May 22.—The steamer Central Hudson of the Manhattan Navigation Line, which ran aground on Saturday night at Grassy Point, is aground again near West Point. She left New York last night laden with freight but no passengers. Near West Point in the fog she passed a southbound tow and fearing collision the captain kept so well inshore that about a thousand feet above the Government dock he ran the boat on a bed of clay and sand. The tide was high and as the water receded the boat was left so high and dry that her sidewheels are out of the water. The tug John B. Rose and the ferryboat Highlander of the Manhattan West Point route have tried to get the boat off, but did not budge her an inch. Capt. Taylor says it will require a dozen boats to do it, even when the tide gets high this evening, when another attempt will be made. The point at which she is stranded is midway between Duck Island and Gee's Point lighthouse.

ATTACKS THE PRESIDENT.

Senator Nelson Resents His Interference in Reciprocity Agreement.

WASHINGTON, May 22.—In a brief speech before the Senate Committee on Finance to-day explaining and defending his proposed amendments to the Canadian reciprocity bill Senator Knud Nelson of Minnesota attacked President Taft, declaring that the President was questioning the right of the Senate to amend the Canadian agreement and was thereby treating the Senate unfairly. Such expressions as "evading his constitutional duty" and "beating around the bush" and "trifling with the Senate" were used by the Senator to characterize the President's alleged acts of interference.

The Senator from Minnesota declared that the Canadian matter was in the nature of a treaty and that the Senate was recognized in the Constitution as a necessary part of the treaty making power of the Government. Treaties had been amended in the past by the Senate after being negotiated by the executive branch of the Government. They would be amended again, in the opinion of the Senator from Minnesota.

In trying to prevent the Senate from exercising its full power in the matter of making amendments the President was denying the Senate its constitutional rights and evading his own constitutional duty, said Mr. Nelson. The Minnesota Senator was not questioned by members of the committee, but was allowed to make his statement and criticisms unquestioned.

To Inquire Into the Wool Trust.

WASHINGTON, May 22.—The House Committee on Rules will soon take action on the Francis resolution providing for the creation of a special committee to inquire into the affairs of the American Woolen Company. The resolution charges the company with operating in violation of law. The Francis resolution will be made the subject of a hearing by the Rules Committee on Saturday. The committee will also consider the resolution offered by Representative Berger, the Socialist member from Milwaukee, asking that an inquiry be made into the circumstances surrounding the arrest of J. J. McNamara, on the charge of complicity in the Los Angeles dynamiting affair.

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**Prison for Five Italian Crooks.**  
Severe prison sentences were imposed yesterday by Judge Holt in the United States Circuit Court on the five crooks arrested two weeks ago in Harlem. Sebastiano Ruglisi got eight years in Atlanta and Vincent Orlando six, while Paulino Orlando, Giuseppe Buglia and Andrea Martesi went for three, four and two years respectively to the Elmira Reformatory. The prisoners made bad times and quarters.

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**MARRIED.**  
RUTHERFORD—MORTIMER. On May 20, at the bride's residence, Tuscarora Park, the Rev. William Fitzmaurice, officiating, daughter of Mr. and Mrs. Richard Mortimer, to Mrs. Morris Rutherford, son of Mr. and Mrs. Walter Rutherford.

**DIED.**  
HICKLEY. William Henry Hickley, 82, of the funeral home, 241 West 12th St., died at 10 o'clock, May 22, 1911.

**KEENE.** Suddenly at Miami, Fla., on Sunday, May 21, 1911, Frederick J. Keene, son of the late Frederick and Ellen Josephine Keene. Notice of funeral hereafter.

**McALLISTER.** Suddenly, John McAllister, beloved husband of Lorraine McAllister, died at 10 o'clock, A. M., Wednesday, May 24, at 10 o'clock, A. M., Funeral private. Please omit flowers.

**MONTGOMERY.** At Tuscarora Park, N. Y., on Sunday, May 21, Marion Bruce Montgomerie, infant daughter of Ambrose and Maud M. Montgomerie. Funeral private.

**UNDERTAKERS.**  
FRANK E. CAMPBELL, 241-243 W. 12th St. Chapels. Ambulance Service. Tel. 124-1240.